

## § 930.163

of §§ 930.41, 930.44, 930.51, 930.53, and §§ 930.55 through 930.57.

[63 FR 405, Jan. 6, 1998, as amended at 65 FR 35267, June 2, 2000; 66 FR 39413, July 31, 2001; 69 FR 34553, June 22, 2004]

### § 930.163 Deferment of restricted obligation.

A handler may obtain a surety bond on restricted percentage cherries to be posted to temporarily defer the date that inventory reserves must be held. The surety bond must be posted at two times the market value of the quantity of cherries for which the holding obligation is being deferred. The Board can temporarily defer the date inventory reserve cherries must be held to any date requested by the handler. However, this date shall not be later than 60 days prior to the end of the crop year. The deferment shall be conditioned on the execution and delivery by the handler to the Board of a written undertaking within 30 days after the Secretary announces the final restricted percentage under § 930.51. The written undertaking (required to be secured by a bond or bonds with a surety or sureties acceptable to the Board) must guarantee that on or prior to the deferment date requested by the handler the handler will have fully satisfied the restricted percentage obligation. On or prior to the deferment date requested by the handler, the handler will have to fully satisfy the restricted percentage obligation. In the event, a handler has posted the surety bond, reached the deferment date deadline and does not have cherries in the inventory reserve to cover his/her inventory reserve obligation, the bond will be forfeited to the Board. The Board will then buy cherries to fulfill that handler's obligation.

[66 FR 35891, July 10, 2001]

### Subpart—Assessment Rates

#### § 930.200 Handler assessment rate.

On and after July 1, 2003, the assessment rate imposed on handlers shall be \$0.0021 per pound of cherries handled for tart cherries grown in the production area and utilized in the production of tart cherry products.

[68 FR 57324, Oct. 3, 2003]

## 7 CFR Ch. IX (1–1–05 Edition)

### PART 931—FRESH BARTLETT PEARS GROWN IN OREGON AND WASHINGTON

#### Subpart—Order Regulating Handling

##### DEFINITIONS

- Sec.  
931.1 Secretary.  
931.2 Act.  
931.3 Person.  
931.4 Production area.  
931.5 Pears.  
931.6 Variety.  
931.7 Fiscal period.  
931.8 Committee.  
931.9 Grade.  
931.10 Size.  
931.11 Grower.  
931.12 Handler.  
931.13 Handle.  
931.14 District.  
931.15 Export.  
931.16 Pack.  
931.17 Container.

##### ADMINISTRATIVE BODY

- 931.20 Establishment and membership.  
931.21 Term of office.  
931.22 Nomination.  
931.23 Selection.  
931.24 Failure to nominate.  
931.25 Acceptance.  
931.26 Vacancies.  
931.27 Alternate members.  
931.30 Powers.  
931.31 Duties.  
931.32 Procedure.  
931.33 Expenses.  
931.34 Annual report.

##### EXPENSES AND ASSESSMENTS

- 931.40 Expenses.  
931.41 Assessments.  
931.42 Accounting.

##### RESEARCH

- 931.45 Marketing research and development.

##### REGULATIONS

- 931.50 Marketing policy.  
931.51 Recommendations for regulation.  
931.52 Issuance of regulations.  
931.53 Modification, suspension, or termination of regulations.  
931.54 Special purpose and minimum quantity shipments.  
931.55 Inspection and certification.  
931.56 Exemptions.

##### REPORTS

- 931.60 Reports.

## Agricultural Marketing Service, USDA

## § 931.10

### MISCELLANEOUS PROVISIONS

- 931.61 Compliance.
- 931.62 Right of the Secretary.
- 931.63 Effective time.
- 931.64 Termination.
- 931.65 Proceedings after termination.
- 931.66 Effect of termination or amendment.
- 931.67 Duration of immunities.
- 931.68 Agents.
- 931.69 Derogation.
- 931.70 Personal liability.
- 931.71 Separability.

### Subpart—Rules and Regulations

#### DEFINITIONS

- 931.100 Terms.
- 931.101 Marketing agreement.
- 931.102 Order.

#### COMMUNICATIONS

- 931.110 Communications.

#### REPORTS

- 931.120 Reports.

#### ASSESSMENT RATE

- 931.231 Assessment rate.

AUTHORITY: 7 U.S.C. 601-674.

SOURCE: 30 FR 12285, Sept. 25, 1965, unless otherwise noted.

### Subpart—Order Regulating Handling

#### DEFINITIONS

#### § 931.1 Secretary.

*Secretary* means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

#### § 931.2 Act.

*Act* means Public Act No. 10, 73d Congress (May 12, 1933) as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (sections 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674).

#### § 931.3 Person.

*Person* means an individual, partnership, corporation, association, or any other business unit.

#### § 931.4 Production area.

*Production area* means and includes the States of Oregon and Washington.

#### § 931.5 Pears.

*Pears* means all pears grown in the production area classified botanically as belonging to the Bartlett cultivar of *Pyrus Communis*.

#### § 931.6 Variety.

*Variety* means any type or strain of pears which has distinctive attributes and is designated by a common name, such as Red Bartlett.

#### § 931.7 Fiscal period.

*Fiscal period* means the period beginning July 1 of any year and ending June 30 of the following year or such other period as the committee, with the approval of the Secretary, may establish.

#### § 931.8 Committee.

*Committee* means the Northwest Fresh Bartlett Pear Marketing Committee established pursuant to § 931.20.

#### § 931.9 Grade.

*Grade* means any one of the officially established grades of pears as defined and set forth in:

(a) United States Standards for Summer and Fall Pears (7 CFR 51.1260 *et seq.*) or amendments thereto, or modifications thereof, or variations based thereon; or

(b) Standards for pears issued by the State of Oregon or the State of Washington or amendments thereto, or modifications thereof, or variations based thereon.

#### § 931.10 Size.

*Size* means the number of pears which can be packed in a standard western pear box 18 inches long, 11½ inches wide, and 8½ inches deep (inside measurements) when packed in accordance with the packing requirements of the U.S. Standards for Summer and Fall Pears (effective August 20, 1955), or as such standards thereafter may be modified, or *Size* means the greatest transverse diameter of the pear taken at right angles to a line running from the stem to the blossom end, or such